

# Town of Union

## PLAN COMMISSION MEETING

### Minutes of May 29, 2008

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The Town of Union Plan Commission regular meeting was called to order on Thursday, May 29, 2008 at the Eager Free Public Library, 39 W. Main St., Evansville, WI at 7:00 p.m. by Alvin Francis, Chairman. Members present included Alvin Francis, Doug Zweizig, Kim Gruebling, Eric Larsen, Dave Pestor, and Doug Lee. Also in attendance: Town Supervisors Don Krajeck and George Franklin, Town Engineer Greg Hofmeister, Building Inspector Bob Fahey, Town Attorney Matt Dregne, and Clerk Regina Ylvisaker.

#### **Approve April 24, 2008 Plan Commission Minutes**

Motion to approve the minutes of the April 24, 2008 meeting made by Doug Zweizig. Second by Kim Gruebling. April 24, 2008 minutes approved by unanimous voice vote.

Alvin Francis asked that the request made by Town Engineer Greg Hofmeister to receive materials such as preliminary plats at the same time as meeting notices are published (3 weeks prior to meeting date) be noted in the minutes.

**Public Hearing: Review and approval of request made by Edward & Diane Hoerler, 8103 N. Evansville-Brooklyn Rd., Evansville WI to separate off 3.1 acres from the existing 14.2 acre parcel, #6-20-172, located at the corner of N. Evansville-Brooklyn Rd. and Cty. Rd. C. The existing 14.2 acre parcel is zoned A-2; the zoning for the requested 3.1 acre parcel would change to A-3, and the remaining 11.1 acre parcel would retain A- 2 zoning.**

Public hearing opened at 7:04 pm.

Jason O'Connor described the land to be divided. Francis asked why the size of the proposed lot was three acres; O'Connor stated that the only location to put a driveway dictated the size of the lot.

Ed Hoerler stated that it was his hope that the fact that it is a family situation (parents selling land to children) and that it is on the City's future growth map will influence the approval of the request.

Public hearing closed at 7:06 pm.

Scoring sheet review. The parcel is currently ag/crop land, which affected the scoring somewhat, as well as the fact that it is not designated as a smart growth area. However, it was noted that the parcel is on Evansville's future development plan. Eric Larsen noted that a lot size of 3 acres is not consistent with standard city lot sizes - if the area is on Evansville's smart growth map, will lot size be a problem in the future? O'Connor has talked to Evansville's city planner, has filed an amendment to the city's master plan, which is on the agenda for their meeting June 3.

Motion to recommend the approving the request made by Edward & Diane Hoerler, 8103 N. Evansville-Brooklyn Rd., Evansville WI to separate off 3.1 acres from the existing 14.2 acre parcel, #6-20-172, located at the corner of N. Evansville-Brooklyn Rd. and Cty. Rd. C. The existing 14.2 acre parcel is zoned A-2; the zoning for the requested 3.1 acre parcel would change to A-3, and the remaining 11.1 acre parcel would retain A- 2 zoning made by Kim Gruebling. Motion amended to include statement: conditioned on the approval of the Town Board and the City of Evansville. Second by Eric Larsen.

Roll call vote: Alvin Francis– Yes; Doug Zweizig – Yes; Eric Larsen – Yes; Kim Gruebling – Yes; Dave Pestor – Yes; Doug Lee – Yes. Motion carried 6-0.

**Public Hearing: Review and approval of request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 1 acre and existing home from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 148 acre parcel is zoned A-1; requested resulting parcels would be 1 acre zoned A-1 and 147 acres zoned A-1.**

Public hearing opened at 7:18 pm.

Donna Dillman stated that the parcel is her parent's farm and includes an older farmhouse and newer house on the same parcel; they would like to tear down the old farmhouse and build new but cannot have two houses on the same parcel, therefore the request for a land division. Larsen stated that it was his understanding that per the zoning ordinance, they cannot put a house on the remaining parcel (110 acres); he wanted to be sure the requestors understanding this restriction. Gruebling feels it is important to be sure that it is clear 10 years from now that it cannot be built upon, the restriction should be placed on deed or it may be unenforceable. If requestors are willing to do that, he sees no problem with approving the request. Doug Lee agrees, feels a deed restriction is the best way to protect the decision of the Plan Commission.

Dillman stated that of the 37 acres of the requested parcel, there is only about 19 farmable acres; the rest of the land is marshland.

Public hearing closed at 7:28 p.m.

Attorney Matt Dregne asked if there would be a minimum road frontage requirement on the 37 acre parcel. Bob Fahey explained that there is no minimum road frontage requirement for A1 zoned parcels.

Motion to recommend approving the request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 1 acre and existing home from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 148 acre parcel is zoned A-1; requested resulting parcels would be 1 acre zoned A-1 and 147 acres zoned A-1. Additionally, to recommend approving a conditional use permit to allow for the 1 acre parcel to be zoned A1 made by Eric Larsen. Second by Doug Zweizig.

Roll call vote: Alvin Francis– Yes; Doug Zweizig – Yes; Eric Larsen – Yes; Kim Gruebling – Yes; Dave Pestor – Yes; Doug Lee – Yes. Motion carried 6-0.

Motion to reconsider previous motion made by Kim Gruebling, Second by Alvin Francis. Motion carried by unanimous voice vote.

The Commission considered amending the previous motion to include the statement that as a condition of the conditional use permit the owners file a deed restriction, approved by the town's attorney, restricting any further dwellings on the 147 acre parcel. Following discussion and attorney input, it was determined that a deed restriction was not needed for this request but would be needed if the following request is approved.

The Plan Commission was required to vote on approving the original motion again, as it was in front of the Commission again.

Roll call vote: Alvin Francis– Yes; Doug Zweizig – Yes; Eric Larsen – Yes; Kim Gruebling – Yes; Dave Pestor – Yes; Doug Lee – Yes. Motion carried 6-0.

**Public Hearing: Review and approval of request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 37.5 acres and buildings from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 147 acre parcel is zoned A-1; requested resulting parcels would be 37.5 acres zoned A-1 and 109.5 acres zoned A-1.**

Public hearing opened at 7:39 p.m.

Francis clarified that the acreage in the application should read 37.5 acres and **109.5** acres, not 110.5 acres. Attorney Dregne felt that clarification is needed regarding the zoning ordinance and its use of the term "development", specifically; does it mean dwellings or land divisions?

Lee does not think that this request should be approved, as the requestors goals were met with the previous motion. Dillman stated they would still like the request approved, as they rent out the farmland now and would have to rent it out forever if it remained part of the parcel with the house and buildings. If the land is divided, they would have the option to sell the farmland.

Lee and Gruebling agreed that the land should not be split at this time; the requesting parties can come back and request a land division in the future if they want to sell it. Attorney Dregne stated that splitting off the land does not guarantee that there won't be a dwelling built upon it unless its deed restricted or the zoning ordinance says a dwelling cannot be built upon it, which he does not feel is clearly stated in the ordinance at this time.

Gruebling feels that denying the request at this time would make any actions taken in the future more clear (i.e. building upon the remaining parcels).

Supervisor George Franklin lives next door to the parcel in question; he is in favor of separating it off. Dillman stated that their intention is to sell the remaining 109 acres to someone who wants to farm it. Mrs. Elmer stated that her grandson wants to purchase the 37 acre parcel to build a house on.

The property would not be deed restricted if it was divided in the future, but would be if the request was approved now.

Public hearing closed at 7:49 p.m.

Motion to recommend approving the request made by Donna Dillman, Lavonne Rowley, and Donald & Carol Elmer, 3399 Jeaness Ave., McFarland, WI to separate off 37.5 acres and buildings from the existing 148 acre parcel, #6-20-90, located at the corner of Hwy. 59 and N. Donna Ln. in the NE ¼, NW ¼ of Section 11. The existing 147 acre parcel is zoned A-1; requested resulting parcels would be 37.5 acres zoned A-1 and 109.5 acres zoned A-1. The approval includes a deed restriction that the newly created 109.5 acre parcel not be further developed and no residential structures be constructed on that parcel made by Eric Larsen. Second by Doug Zweizig. Attorney Dregne clarified that if the parcel was further divided the deed restriction would carry to those parcels as well.

Roll call vote: Alvin Francis– Yes; Doug Zweizig – Yes; Eric Larsen – Yes; Kim Gruebling – Yes; Dave Pestor – Yes; Doug Lee – Yes. Motion carried 6-0.

**Public Hearing: Review and approval of extension of existing Conditional Use Permit held by Tom & Connie Davis 10608 N. East Union Rd. Evansville, WI 53536 to operate a pheasant shooting preserve on parcel 6-20-94 located along North East Union Rd. in the SW 1/4, NE 1/4 of Section of the Town of Union. The pheasant preserve may be open by appointment only between the hours of 8 a.m. and 5 p.m. Monday through Friday and from 8 a.m. - 5 p.m. on Saturdays and noon to 5 p.m. on Sundays beginning October 1<sup>st</sup> and ending April 30<sup>th</sup>. Hunting may commence at the east-west property line which is approximately 1,400 feet from the south property line.**

Francis stated that the lawyer retained by the Davis' sent a letter and information to the Town Clerk, who in turn sent it to the Plan Commission and Board, on May 23. The lawyer contacted Francis today requesting that the hearing be postponed until the June Plan Commission meeting, as he was under the impression that the meeting was on June 5 (the date of the Town Board meeting, not the Plan Commission meeting).

Motion to table the review and approval of extension of the existing Conditional Use Permit held by Tom & Connie Davis until the next regular Plan Commission meeting made by Kim Gruebling. Francis would like to note that the Davis' are currently operating without a CUP and should be operating under the rules of the most current approved CUP at this time. Gruebling feels there should be no operations at the location at this time, given the conditions of the CUP which states that the facility is not to be open after April 30. Allowing members to use the facilities outside of the dates on the CUP is outside the conditions of the approved CUP; at this time there should be no activity at the facilities at all per the CUP.

Zweizig clarified that the Plan Commission had requested a copy of the membership *agreement*, but they had received only a copy of the membership *form*; he would expect that there is an agreement in addition to the form and would like to see it, or know if it is a verbal agreement.

Larsen noted that the minutes from the March 2007 Plan Commission meeting during which the most recent CUP was approved stated that the facilities may be open until 10 p.m., but the CUP which was issued in 2007 states 5 p.m.

Zweizig brought before the Commission the fact that the language on CUPs issued by the Township states that "Failure to request board review prior to the review date will void this Conditional Use Permit and cause the party to fully reapply for a new conditional use permit", however past practice has been to have the Clerk notify the Permit holders that their Permit is up for review and place it on the agenda for the appropriate meeting(s). Zweizig would like

to request that the practice be changed to reflect the language in the Permits, and that current Permit holders be notified of the change in practice.

Motion to request the Town Board to enforce the existing CUP language regarding requesting reviews, and direct the Town Clerk to notify existing permit holders accordingly made by Doug Zweizig. Second by Kim Gruebling. Motion approved by unanimous voice vote.

**Public Hearing: Review of Conditional Use Permit held by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to operate a mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607. The gravel pit is currently operated by Aggregate Produced Products, Inc.**

Public hearing opened at 8:07 p.m.

Francis commented that N. East Union Road is in great shape now that the repair work is completed; Plan Commission members concur.

Brett Frank stated that regarding providing financial assurance (item number 8 on CUP), they have been having problems getting the required paperwork from their bank. Therefore, Frank does not have financial assurance paperwork to provide to the Commission tonight but plans to provide it as soon as possible.

Francis inquired as to how APPI ensures that trucks using their facility go the right way on N. East Union Road (north to Highway 59)? Frank stated that signs are up directing traffic, and they tell everyone which way to travel; the only problems they've had with compliance is with the individual who delivers fuel.

Gruebling asked how long it would be until financial assurance would be provided? Frank stated that their bank gave them a timeline of 3 weeks, and \$1,000 in fees. They could get a bond through their insurance company but they would request very specific information and proof of damage, etc. Frank would request that they be allowed to provide financial assurance to the Clerk within 60 days; the Commission sees no problem with that arrangement.

Larsen inquired how many acres are currently open at the pit; Frank stated that he hasn't opened it up at all, hasn't changed anything yet other than adding the wash house and scale.

Francis reviewed the information sent out to the Plan Commission by the Clerk, regarding gravel pit regulation. He believes it is worth considering granting a 2 year permit at this time. Lee agrees that granting a 2 year permit would be appropriate at this time.

Bruce Davis, Murray Road: What is designated start up time on weekends? Saturday start time is 7:00 a.m.; no operations on Sunday.

Attorney Dregne stated the importance of having a road maintenance agreement in place, to ensure that the parties are clear in their financial responsibilities regarding road repair and maintenance. Frank stated that he has already contributed above his required \$32,000 to repair the road and bring it up to Class A standards. The roads to and from the facility are now designed and constructed to withstand the loads they will be carrying.

Don Moen, N. East Union Road: Voiced concerns that gravel shoulders were laid from Highway 59 to the pit, but from the pit to Murray Road the shoulders drop off from 3-6 inches. He is concerned that someone could have an accident in that situation, with the large drop off. It was his opinion that in order to finish the road repair, the shoulders have to be brought up level with the asphalt, and that has not been done yet. Lee believes this is a Town Board issue, as they are the ones who entered into a contract with Frank Bros. to repair the road. Following a review of the contract and letter of understanding, Lee stated that it appears that they are to finish the shoulder up to the pit driveway from Highway 59, but not specifically from the pit driveway to Murray Road.

Attorney Dregne stated that regarding the inherent financial issues, he sees two basic issues to be resolved: who is responsible for repairs, and how the financial assurance will be obtained and in what amount. Zweizig felt that with regard to item number 8 on the CUP, it sounds like it is the responsibility of APPI to maintain the road; Dregne felt the statement was not specific enough and was open to interpretation and disagreement. Does "maintain" mean that they plow snow in the winter, or repair the road in 10 years after normal wear and tear?

The Town Engineer was not present and inspecting the road when it was built. Bob Janes inquired if the Town Engineer or another engineer issue a statement that the road was built up to Class A standards, which would free the pit operator from obligation due to road wear and tear.

Public hearing closed at 8:22 pm.

Francis reiterated his opinion that the CUP be issued for a period of 2 years.

Motion to recommend to the Town Board extending the Conditional Use Permit held by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to operate a mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607 (The gravel pit is currently operated by Aggregate Produced Products, Inc.) for 2 years, and request that the Town Board clarify the issue of financial assurance and a road maintenance agreement made by Doug Zweizig. Second by Doug Lee.

Roll call vote: Alvin Francis– Yes; Doug Zweizig – Yes; Eric Larsen – Yes; Kim Gruebling – Yes; Dave Pestor – Yes; Doug Lee – Yes. Motion carried 6-0.

**Public Hearing: Review and possible recommendation to the Town Board for adoption of the Draft Large Wind Turbine Siting Ordinance. During the current moratorium the Large Wind Turbine Citizens Committee has developed a recommended ordinance to protect the public health and safety of residents. Please note: Those individuals wishing to speak during this public hearing are asked to submit their name and address on a list which will be available before the meeting. This action is being taken to ensure all who wish to comment on this issue are given the opportunity to do so. A three minute limit per individual comment will also be adhered to.**

Chairman Alvin Francis removed himself from the discussion due to a conflict of interest; Doug Zweizig chaired the discussion.

Zweizig presented an overview of the history of the issue and the 12 month moratorium adopted in August 2007. The Citizens Wind Energy Committee was formed to address the issue of citizen health and safety related to wind turbines through an ordinance, which has been drafted and redrafted, the most recent draft version is what will be reviewed and discussed tonight. Zweizig has been asked to point out that the Plan Commission members do not have a financial interest in wind turbines and have spent a considerable amount of time reviewing relevant wind energy information and preparing for the discussion of the ordinance. The public hearing is with regard to the ordinance; comments should be directed toward that document and those issues, not others. Individuals speaking during the public hearing were asked to state whether they supported or did not support the draft ordinance, and address any issues they think are important for the Plan Commission to consider with relation to the ordinance. Supporting documentation was asked to be given to the Town Clerk for distribution to Commission and Committee members.

Public hearing opened at 8:33 p.m.

Jake Oelke, Asst. Vice President of Energy Services-WPPI: not in support of ordinance as drafted. The most recent Department of Administration report of Wisconsin energy statistics state the total annual energy expenditures in Wisconsin are \$23 billion, 2/3 of which leaves the state economy. Wind power is a safe, responsible and local energy source, and proposed 3 turbine project in the area would generate enough power for 1,200 homes. Future energy prices tied to coal and natural gas are not predictable; wind energy is a known commodity going into the future. Recognizes that the Citizens Committee has done a great deal of work putting the draft ordinance together. Regarding ordinance, as it stands with proposed setbacks and acoustical limits would prohibit the siting of wind turbines in the area. There are tens of thousands of these turbines sited throughout the world in a safe manner. Request that the Plan Commission recommend to the Town Board some compromises within the ordinance to allow placement of turbines in the Town while preserving health and safety concerns of the citizens.

Ryan Schryver, Clean Wisconsin: distributed information to Plan Commission members. Believes State has a choice before them on how they are going to produce their energy, decision often boils down to the town level. Nuclear power has concerns, nuclear waste storage is an issue. Clean Wisconsin fights against construction of coal fired power plants. Extensive pollutants released from these power plants, including mercury and acid rain causing waste. Urges local communities to think about their opportunity to move forward with clean power.

Renee Exum, County Road C, Town of Union: is in favor of ordinance as drafted for two reasons: 1) the ½ mile setback requirements and sound requirements protect Town residents' health and safety. Noise and its effects on



health are well documented. The study cited by EcoEnergy in its march 2008 Large Wind Turbine Health and Safety Report confirms that noise from large wind turbines is an adverse health effect. Several articles published by PubMed Journal demonstrate that the effect of noise on health is substantiated and documented. The World Health Organization acknowledged the adverse effects of wind turbines by recommending night noise not exceed 30db. The National Research Council concluded that wind turbine noise is not a health issue if the turbines are sited over ½ mile from homes. The proposed ordinance does not prevent wind turbine siting in the area, nor does it prevent landowners from selling the rights to their land for such uses. It further allows developers to profit from the turbines, and provides for non-participating landowners to enter into an agreement with wind developers for lesser setbacks to their homes. The ordinance most importantly establishes rules and guidelines to be sure the wind turbine development is done responsibly, and in a manner that protects the health and safety of residents.

Alex DePillis, Engineer, EcoEnergy: In charge of monitoring wind speeds for EcoEnergy. Presented information on current levels of sounds at locations in this area. Distributed map related to sound levels in the area. The readings were taken on April 30, 2008 from 5:00-6:30 pm and May 28, 2008 from 10:00-11:00 pm. All readings are in decibels, and are preliminary values, feels more extensive analysis would support these results. The readings on May 28 are much lower, as they were taken much later at night. Can see that it is hard to get below 25 dBA, even when the atmosphere is very quiet. In reality wind turbines are quite quiet when ambient noise is low; when ambient noise increases, mostly due to wind noise, turbines would increase in sound production.

Kevin Kawula, Dorner Road, Town of Spring Valley: supports ordinance as written. Believes Town must put safety first, with turbine siting being the first thing to consider in this situation. At least ½ mile setback is required. Is important to have enough space to dissipate the sound from the turbines, in order to make the area livable, especially at night. Alternatives exist for those who want individual wind turbines for their houses or on their farms. Farmland preservation does not include industrial fragmentation. Wisconsin Energy Center report 231-1 recommends suburban setbacks be at least ½ mile to limit complaints. (pages 42-50) The economic benefits of wind turbines vastly benefit the developer, not the Town or its residents. Turbines essentially require 40-80 acres of land per turbine, which amounts to sharecropping for the farmers involved. WPPI headquarters in Sun Prairie is powered by solar panels, and that should be good enough for Evansville and the Town of Union as well. We can do much better, without wind energy in the area.

Lynda Kawula, Dorner Road, Town of Spring Valley: is very supportive of renewable energy, lives in Spring Valley Township on the Magnolia Township line. There is currently a proposal to put 67 wind turbines in her area. Has attended the Citizens Wind Energy Committee meetings, and has set up a website to distribute information - betterplan.squarespace.com. Distributed a DVD to Commission members, shows shadow flicker. Has heard from people all over Wisconsin who have had problems with wind turbines, especially in Fond du Lac County. Noise log kept by Gerry Myer is on the website as well. Read in a statement from Johnsburg resident: poor crop land condition following erection of turbines and concerns regarding noise. Supports ordinance, any renewable energy plan must first protect people, land and community. Feels there is a place for wind turbines but they must be sited an appropriate distance from homes.

Eric Kostecki, WPPI: does not support the ordinance as written. Regarding noise issue, generally problems occur when turbines are downwind (rotor is placed downwind from tower); noise problems do not occur if turbines are placed upwind (wind passes through rotor first, then tower) and these are the types of turbines WPPI would be using in this project. Clarified statements made by Renee Exum regarding WHO recommendations. The Guidelines for Community Noise document from WHO has an indoor guideline for bedrooms states a level of 30 dB LAeq for continuous noise, 45 dB LAeq for single sound events. Nighttime, the WHO recommends outside sound levels about 1 meter from the facade of living quarters or open windows should not exceed 45 dB LAeq. The same report determined that the distance needed to achieve the 45dB sound level was 840'. This is less than the 1000' the state ordinance requires. WPPI proposes a 1,200' setback and a 45 dBA sound requirement. The 1200' setback should result in a sound level of about 40 dBA. Feels this is an acceptable compromise between the Citizens Wind Energy Committee recommendation and the state recommendation.

Jim Bembinster, County Road C, Town of Union: feels the issue of noise is subjective. Town government and local residents should decide how much noise residents should be subjected to during nighttime hours. The WHO has found that sound levels during nighttime and late evening hours should be less than 30 dBA during sleeping periods to protect children's health. Atmospheric conditions can affect sound propagation models and can lead to distant sound impacts. Noise levels can be 15dB louder than predicted. Low-frequency noise can become an issue with turbines, as it travels greater distances with less loss of intensity than high-frequency noise. Noise standards can fail to protect residents from disruptive levels of noise, and the task of enforcement will outdistance the abilities of local

government. Believes siting and permitting decisions can proceed in a manner that protects both local residents and the long-term potential for wind energy generation. If current generation turbines are sited too closely to homes, it could jeopardize the future of wind energy, which is overall a good source of renewable energy. The Plan Commission and Town Board must trust that the Citizens Committee has done extensive research on this issue and is making good recommendations within the draft ordinance. Supports the draft ordinance as written.

Cathy Bembinster, County Road C, Town of Union: supports draft ordinance. Cited a statement made by Tom Gray, commonly used on the American Wind Energy Association website, which reads "Today, an operating wind farm at a distance of 750 to 1,000' is no noisier than a kitchen refrigerator or a moderately quiet room." Found this statement many times on the internet, with many different distances cited, ranging from 658' to 2467', all credited to author Tom Gray, AWEA. The AWEA recommends a setback of 1645' – 2467' for noise. The NWCC Permitting and Siting Guide 1998 states that an appropriate distance may be 1000' to ½ mile or more for noise. The Wind Energy Handbook recommends a minimum spacing from a dwelling for shadow flicker of ½ mile, or 10 rotor diameters. Windustry, Best practices and Policy Recommendations states that "turbines should be sited no less than 5 times their rotor diameter (1320') from property lines..."

Gerry Myer, Brownsville: submitted emails to Town Clerk. Lives within Forward Energy wind farm project that includes 86 turbines. Has delivered mail for 30 years, delivery area encompasses 64 of the turbines. Three turbines are located near his home, one 1560' away, one ¾ mile away, one 2489'; can hear all three at times at the same volume throughout his well insulated home. Started operating on March 3, 2008; sounds like a jet plane. Is keeping a noise log of sound heard at his home from wind turbines (referenced by Linda Kawula). Thirteen year old son is sensitive to noise; complains at school and at home of headaches, etc. Wife has dizziness, ringing in her ears, can't sleep, and wakes up in the middle of the night. Noticeable difference in amount of noise when at cabin 100 miles north, wife sleeps comfortably through the night while staying there. The customers on his mail route live within the wind project, has spoken to them, none of them are happy with the turbines but feel powerless. Recommend adopting ordinance, or make setback distance further.

Larry Wunsch, Brownsville: also lives within Forward Energy wind farm project. Has wind turbines located 1100', 1800', and 2200' from his house, and can see all 86 turbines from his house. Has lived there for 20 years, built a new home on 60 acres, cash crop farmer. States that the turbines sound like jet planes; the sound is not a problem when the wind speed is slow but is bad when it is windy, he cannot sleep with his windows open. Turbines have created anxiety for himself and wife and they feel their town has not taken into consideration residents' health and safety. Has complained to their town board but no resolution has come. Be sure they make an educated decision, once the turbines are in place they will not be removed. Supports the ordinance as written, feels the setback should be even further than the suggested ½ mile. Suggests viewing shadow flicker video and tape of car vs. turbine noise.

Curt Bjurlin, Wisconsin Project Developer, EcoEnergy: are the proponents of the wind project in the Town of Union. Not in favor of ordinance as written, believes it contains statements that are not true. Statements that reference EcoEnergy within the draft ordinance are incorrect. Communities always have to wrestle with the question of if they want to have a renewable energy project within their community, and what they can do to protect the health and safety of their residents but still allow the projects to go forward. The ordinance as drafted will not allow the currently proposed wind projects to go forward, nor will it allow any other wind energy projects in the Town of Union. Ordinance is prohibitive, no different than a moratorium on wind energy. Many facts within the ordinance are incorrect. Has not had the opportunity to present that to the Plan Commission or the Town Board previously. Distributed documents related to sound levels, setbacks used in other areas that have turbines installed, WHO complete recommendations on sound levels. WHO recommendations are important to review in their entirety. Town needs to look at big picture and decide if they would like wind turbines in their community. If so, put in an ordinance that is effective in protecting health and safety but also allows wind energy systems to be erected. Would be happy to make a presentation to the Plan Commission or the Town Board on some of the more technical issues. Doug Zweizig brought up the comment made by Bjurlin regarding incorrect statements within the ordinance. Bjurlin stated it would be difficult and time consuming to address all the inaccuracies within the ordinance; he believes the ordinance was crafted to try to determine how to prevent a project to come into Union. Zweizig would like to know what the top 5 inaccuracies are; Bjurlin will provide.

Scott McElroy, Town of Union, Citizens Committee member: supports draft ordinance. National Research Council study that says noise from wind turbines is generally not a concern for humans, beyond ½ a mile or so. Study does not say noise produced by wind turbines is not a major concern for humans beyond 1100', it says ½ mile. National Research Council is a well recognized and respected group, their work led to DNA being recognized and used in court cases. Cited the Wind Energy Handbook, which recommends wind turbine location be a minimum of 10 rotor

diameters from any dwelling to reduce any nuisance related to shadow flicker, however a spacing of this magnitude is likely to be required in any event by noise constraints. Committee felt ½ mile setback was minimum; many communities have more than ½ mile setback requirements. Feels a greater setback would be even better, if the Commission and/or Board decided to adopt one; feels draft ordinance recommendations are an absolute minimum. The Committee members were unbiased in their work, not anti-wind, just want it done responsibly. Strong supporter of the ordinance, hopes it is adopted.

Sue Pestor, Town of Union, Citizens Committee member: supports draft ordinance. Please put health and safety of residents ahead of money, etc. Not against wind turbines, need to be sited responsibly.

Robin Ringhand, Town of Union: one proposed turbine is located less than 1000' from her house. She has 3 kids under the age of 8, concerned for their health and safety. The ordinance supports ½ mile setback, would like to see more than ½ mile setback requirement. Supports ordinance.

Harold Abey, Town of Union: against ordinance. Green County currently has 1000' setback requirement in their ordinance. On July 22, 1993 a wind turbine was located at the Spirit Lake elementary school, 800' from the school building. In July 2000 the turbine had generated an average of 312,000 KW of electricity annually, which is the equivalent of 549 barrels of oil or 156 tons of coal; it would take 285 trees to absorb the carbon monoxide emitted by coal and oil; turbines release no carbon monoxide. Once it was determined the turbines were an asset to the school district, a second turbine was erected on October 29, 2001 and was located 800' from the middle school. There have been no ill effects demonstrated in the students since the towers were erected with a setback of 800', sees no reason towers in Town of Union would need a setback of more than 1000'.

Gary Haltaufderheide, EcoEnergy: was in the area 1 ½ years ago talking to residents. The world's appetite for energy is increasing; currently 320 billion KW are used every day through out the world, equivalent to having 22 light bulbs on constantly each day for each person in the world; two-thirds of the world is still developing. Has talked to a number of people, appears there is disagreement. However the young generation appreciates the need for renewable energy and is ready to make the change, as was evidenced at the recent area energy fair.

Doug Lee asked if anyone representing the power companies had lived near a turbine, or spent an extended period of time near one, so they can honestly tell us that there is no ill effect whatsoever? Haltaufderheide stated he had been in the business 2 years, and when he first started he spent time in western Iowa and western Minnesota talking to people and didn't hear about any health issues, unable to sleep, jet sounds. Lee stated he recently spent 4 days in the same area and heard complaints from residents, stated individuals don't use their yards, don't spend any time outside anymore, becomes a quality of life issue and is that a health issue?. Bjurlin stated he does not live near wind turbines, but grew up near a coal plant, knows there are consequences. Due to time constraints, no further answers were taken at the time.

Donald Maas, Town of Union: stated he was asked to sign a wind turbine contract 15 months ago and didn't sign right away, instead he visited areas where the turbines had been erected including Dodgeville. He found that kids don't have anything bad to say about wind energy, nor do others he spoke to. Was in the Horicon marsh area, where 86 turbines are located, recently and talked to two farmers, who stated they could hear the turbines but the sound did not bother them or disrupt their sleeping at night. Carried on their lives exactly as they had before with no ill effects. One farmer has a turbine located 400' from his house (signed a waiver to place it closer than the town ordinance required), and they could hear the turbine in the yard while they were talking if they concentrated on it, but the sound didn't interrupt their conversation or distract them in any way. He signed a contract and felt he did the right thing by talking to others first. If Evansville wants to be known as a green community an ordinance with 1000' setback should be adopted; ½ mile setback will make siting basically impossible.

Matt Gaboda, City of Evansville resident: supports draft ordinance. Regarding the power companies disagreeing with facts and statements in the draft ordinance, they've had time to address the issues and have not – he feels this is a stall tactic on their part. Ordinance has been available since January or February. If anything is taken away from this meeting, listen to what Mr. Wunsch and Mr. Myer have to say about their experiences. It should weigh heavily against statements and studies. Regarding ½ mile setback, if they are unable to sight in Union then that's not the Town of Union's problem. Sound readings from one day are not reliable or indicative of what an entire year of sound would be like; the information presented by the sound engineer should not be given weight. Pass the ordinance with no changes and no tweaks. EcoEnergy and WPPI have had ample opportunities to address inaccuracies.

Kurt Toberman, Town of Magnolia: supports ordinance as written.



Dane Albright, Town of Center: has been involved in the renewable energy initiative in Evansville, supports community wind project. Blade technology on wind turbines is improving every year. Some statistics referenced within the ordinance are dated, much of the research is good information but some is dated and does not reference specific wind turbines. If a decision is going to be made they should look at the turbine that will be placed by EcoEnergy, not other older models. Newer blades are quieter. If they could get info from an AW1500 they would have better information for comparison. Seventy of this model turbine are going up west of Lena later this summer, presents a good opportunity for citizens to see them in action and gauge sound levels. Agrees a setback is needed, but how far is appropriate? Doug Lee: the ordinance must cover all models of wind turbines, those in use now and in the future, and cannot be tied to a specific model turbine.

Tonto Abey, County Road C, Town of Union: wife works for John Deere Credit, who just built a factory in Minnesota which is completely powered by wind power. If John Deere used wind power, they must feel comfortable with wind power and feel that it is safe for their employees and their families. They are about 1000' apart. Does not support ordinance, feels 1000' is adequate setback.

John Meyers, EcoEnergy: knows farmers involved with the Montfort wind project, one is on county board with him, and they cannot be happier with the project. No health concerns or documented hospitalizations or medications. 1500 KW units were used in the Montfort project. Does not support ordinance as written.

Mindy Larsen, E. Union Road, Town of Union: remember wind is a clean source of energy. Big concern is noise level. In her area, surrounded by fields on 3 sides, there is noise from tractors and other farm equipment; this is noise she has accepted as part of living in the country, feels that noise from turbines would also become acceptable. Is good for the Township.

Heidi Carvin, Evansville School Superintendent: opposed with ordinance as written, hopes a compromise can be reached. What are the consequences of the alternative energy sources? Is concerned with the health and safety of the children in the area. Notes it is also important for children to understand their energy choices have impacts, where power comes from and the concept of renewable energy. The Evansville school system has put in a geothermal system; payback has been realized already due to rising energy costs. The school system has a test wind turbine, have considered putting up a turbine or investing in part of another offsite turbine. Supports wind energy, would like to see a compromise ordinance that makes the project viable while supporting the concerns of the town residents.

Michael Vickerman, Renew Wisconsin: supports the EcoEnergy community wind initiative. Wind turbines are a zero emission local energy source that lasts 20 years. Supports a reasonable ordinance that allows this project to proceed. An ordinance that requires ½ mile setback would not allow wind energy projects to proceed in many locations throughout Wisconsin. Lives in Madison about 800' from Kipp Corporation, which is a metal casting company that runs 3 shifts. He lives with the noise generated by the factory, sleeps with his windows open, noise is part of the trade off of living in a great neighborhood. Raised children in the neighborhood, as many others do with no health concerns. Property values continue to rise in area. Currently, it costs \$8 to drive 50 miles in a gasoline powered vehicle, while it would cost \$1.50 to drive 50 miles in an electric vehicle. As a source of electricity for electric vehicles, wind power is much more affordable. The transition to plug-in vehicles is a matter of when, not if. Doug Lee: Kipp has had issues with city of Madison with problems with fumes, city tried to close them down.

Sandra Hauri, W. Croft Road, Town of Union: is a newer resident of Union Township. Is not opposed to renewable energy; supports the ordinance as written because health and safety must come first. Not against a wind project as long as it is placed appropriately. Has worked hard to be able to live in the country, does not want to wake up to jet sounds.

Dave Giehtbrock, Porter Road, Town of Union: one proposed site is less than ½ mile from his home. Has a 5 year old, 3 year old, and 10 month old; supports ordinance as written, is concerned with the health and safety of his children.

Heather Peterson, Milbrandt Road, Town of Union: supports ordinance as written. Feels it is important to have dialogue about this issue. Believes that if the people on the Citizens Committee were willing to give up their time to determine that ½ mile is an appropriate setback then it is important to recognize that.

Amanda McElroy, Croft Road, Town of Union: attends UW Whitewater, supports ordinance. Did a project at UW on wind speeds. Feels wind speed averages do not support locating turbines in the area. Highest average wind speed she got was 6.91 mph, not the 14 mph they have been told was the average. Locations used were Monroe Airport, Janesville Airport, and Newark Township. Distributed information to Town Clerk. Overall average was 4.5 mph annually. Why are we here if the wind speeds don't support siting turbines here? Supports the ordinance.

Gruebling feels another meeting is needed, with Citizens Committee members and EcoEnergy representatives present, due to conflicts between information. Dave Pestor sees no major problems with the draft ordinance, believes the Plan Commission needs to work out the issues noted in boxes on ordinance and should deal with it in a working meeting. Larsen would like as many resources available as possible to answer questions during a working meeting, i.e. EcoEnergy, Citizens Committee members. Pestor feels that the power companies haven't had information available to respond to questions from the Citizens Committee in the past, should not expect them to have the information available during a working meeting. To clarify, "working" meetings are open meetings, cannot exclude anyone from attending but can restrict participation.

Attorney Dregne has reviewed the ordinance, thinks that the Plan Commission needs to go through the ordinance as a group and figure out what questions they have, and then decide how best to answer the questions. Plan Commission members were in agreement that Attorney Dregne should attend the meeting.

Clerk Ylvisaker will canvass the Commission for available dates, check with the library for meeting room availability, and check Attorney Dregne's availability. A meeting date will be set ASAP, during the first two weeks of June.

Tom Alisankus, chair of the Citizens Committee, spoke: he objects to EcoEnergy coming in at the last minute and stating there are issues with the ordinance. Suggests that perhaps the Plan Commission not accept information they want to provide to correct alleged inaccuracies within the ordinance, as they have had ample time to bring up issues they have with the accuracy of information within the ordinance and provide the information to correct it. If the Plan Commission decides to accept the new information provided by EcoEnergy, Alisankus feels it should come through the Citizens Committee first. The Plan Commission and Town Board appointed people to the Citizens Committee that hold responsible positions in this community, and the Commission and Board members should trust them.

George Franklin felt it was important for the Citizens Committee and Plan Commission to be sure they are comparing apples to apples when discussing and comparing wind turbine noise and other issues.

Gruebling distributed information to the Commission from the Wisconsin Towns Association regarding ordinances and Plan Commission responsibilities.

Meeting adjourned at 10:04 pm.

*Respectfully submitted by:*  
*Regina Ylvisaker, Clerk*

Note: Minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting